

REMARKS/ARGUMENTS

Claims 2-12, 14-24 and 27-28 were pending prior to the present Amendment. By the present Amendment, Claims 5-6 and 20-21 have been deleted, Claims 4, 19, 27 and 28 have been amended. Claims 1 and 13 were previously cancelled and Claims 25 and 26 were not entered. Thus, Claims 2-4, 7-12, 14-19, 22-24, 27 and 28 are pending in this application.

The Examiner has rejected Claims 10-12, 16-18, 27 and 28 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 7,139,723 (Conkwright, et al., hereinafter "Conkwright") in view of U.S. Patent No. 7,055,165 (Connelly, hereinafter "Connelly").

With particular regard to the two independent claims, namely Claims 27-28, the Examiner asserts that Conkwright discloses all of the elements of Claims 27 and 28 except for encrypting and decrypting the first message, i.e., the message issued from the source. To make up for that deficiency, the Examiner cites Connelly as disclosing the encryption of the first message (Connelly, col. 23, lines 1-15) and decryption of that first message upon receipt of the first message by a remote device (Connelly, col. 23, lines 15-24). The Examiner then concludes that it would have been obvious to person skilled in the art to encrypt the first message of Conkwright because doing so would protect the privacy of the users.

Applicants respectfully traverse this rejection for at least the following reasons.

As amended, Claims 27 and 28 distinguish over the cited art. In particular, as amended, these claims specify that the content of the first message issued from the source (e.g., a set top box, a PDA, cell phone, etc.) is obscured from the system operator but the identity of the first message is not obscured from the system operator.

In contrast, Conkwright does not obscure any portion of the content of the message, issued from a set top box (STB), from the system operator. The portion of Conkwright cited by the Examiner, namely, col. 11, lines 5-17, does not teach nor suggest obscuring any message content issued from the STB. The Examiner then, using the present invention as a template, cites col. 23, lines 1-24 of Connelly as making up for that deficiency with the assertion that the motivation to combine is the protection of the privacy of users. However, col. 23, lines 1-24 of Connelly discloses a methodology that is just the opposite of the present invention:

As discussed above, automatically-generated ratings may be derived from a combination of a user's previous viewing habits (i.e., in response to pieces of content that have are currently cached or have been previously cached), and previous ratings and classification provided by the user and through use of the relevance and believability factors. In some instances, data pertaining to a user's previous viewing habits may not be used due to privacy concerns. However, in order to overcome most privacy concerns, in one embodiment the client demand feedback data is sent back to the broadcast center through a mechanism that is guaranteed not to identify from which client and/or user that set of client demand feedback data was sent. For example, this "anonymous" client scheme could be implemented through an encryption process that uses a third party as a proxy, wherein the client demand feedback data is encrypted and must pass through a decryption service operated by the third party that uses a private key that is not accessible to the broadcast operations center or any other party. The third party then forwards the client demand feedback data to the broadcast operations center. In this manner, there is no way for the broadcast operations center to tell from which client system a given set of client demand feedback data is received. (Emphasis added, Connelly, col. 23, lines 1-23).

As is evident from the above, it is clear that the identity of the message content (i.e., client demand feedback data) is being obscured from the system operator (i.e., broadcast operations center). In fact, it appears that Conkwright and Connelly are actually mutually opposed on this issue. In particular, in Conkwright, the system operator knows both identity and content (Conkwright, col. 11, lines 5-17) of the first message, whereas in Connelly, the system operator knows neither identity or content of the STB message (Connelly, col. 23, lines 1-24). Thus, Applicants respectfully submit that one skilled in the art would not even combine these two references since they teach away from each other. Moreover, even if one skilled in the art

were to combine these two references, the result would still not be the invention specified in Claims 27 and 28, as amended. To that end, Applicants submit that Claims 27 and 28 are patentable over the art of record and respectfully request that the §103(a) rejection be withdrawn.

Claims 10 and 16 ultimately depend from Claims 27 and 28 respectively and are patentable for the same reasons.

Claims 11 and 12 depend from Claim 27 and Claims 17 and 18 ultimately depend from Claim 28 and are patentable for the reasons discussed previously with regard to amended Claims 27 and 28.

Claims 2, 3, 14 and 15 are directed to the anonymous identification indicia using a hash algorithm, and which the Examiner rejects under §103(a) citing U.S. Patent Publication No. 2001/0036224 (Demello, et al, hereinafter “Demello”) as teaching the generation of anonymous identification indicia (viz., para. 0136 of Demello). Applicants respectfully submit that because these claims ultimately depend from Claims 27 and 28 respectfully, they are also patentable for the same reasons. Moreover, Conkwright prefers the use of zip code data, area code data or other geographic data associated with a region in which a set top box resides (Conkwright, col. 11, lines 10-17), i.e., simple well-known location data, for forming end user identifiers. As such, this would not motivate one skilled in the art to leap to the use of pseudorandom numbers created by hash algorithms for generating identifiers, as specified in Claims 2, 3, 14 and 15. The Examiner is using the present invention as a template to assert that one skilled art would combine the teachings of Demello with Conkwright and Connelly to arrive at the inventions of Claims 2, 3, 14 and 15. Thus, Applicants respectfully request the withdrawal of the §103(a) rejection regarding Claims 2, 3, 14 and 15.

Claims 4 and 19 have been amended to more clearly specify the security measures imposed on the system operator and the data analysis entity with regard to access to a secure location where the remote server is located. To that end, Applicants submit that in view of these amendments, as well as the amendments to Claims 27 and 28 which Claims 4 and 19 respectively depend, Claims 4 and 19 are patentable over the cited art (namely, Conkwright/Connelly, in further view of U.S. Patent No. 6,598,231 (Basawapatna, et al.)) and that §103(a) rejection be withdrawn.

With regard to dependent Claims 7, 8, 22 and 23 which specify the insertion of cable system source data into the first decrypted message, the Examiner rejects these claims under §103(a) citing U.S. Patent No. 5,390,173 (Spinney, et al., hereinafter "Spinney") as teaching the insertion of network segment data into packets. However, there is no discussion about cable system network segment data in Spinney. Thus, Applicants respectfully submit that because these claims ultimately depend from amended Claims 27 and 28 respectfully, they are also patentable for the same reasons.

With regard to dependent Claims 9 and 24 which specify including cluster code data into the encrypted message, the Examiner rejects these claims under §103(a) citing U.S. Patent Publication No. 2002/0059632 (Link, et al.), as already disclosing this feature. Applicants respectfully submit that because these claims ultimately depend from amended Claims 27 and 28 respectfully, they are also patentable for the same reasons.

Thus, Applicants respectfully submit that Claims 2-4, 7-12, 14-19, 22-24, 27 and 28 are in condition for allowance. Accordingly, prompt and favorable examination on the merits is respectfully requested.

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Amendment Dated October 14, 2008

Should the Examiner believe that anything further is desirable in order to place the application in even better condition for initial examination and allowance, the Examiner is invited to contact Applicant's undersigned attorney at the telephone number listed below.

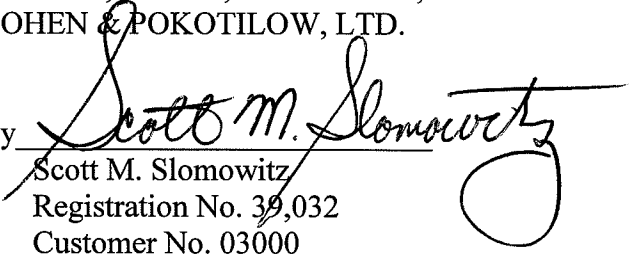
Respectfully submitted,

CAESAR, RIVISE, BERNSTEIN,
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October 14, 2008

Please charge or credit our
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